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"Ensuring a safe and secure homeland for all North Dakotans"

Fiscal Year 2010

North Dakota State Homeland Security Program

COMPETITIVE Grant Guidance

March 2010

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Funding Opportunity Description

The purpose of this package is to provide a brief overview of the State Homeland Security Grant Program (SHSP), the formal grant guidance and application materials to apply for funding, and an explanation of the North Dakota Department of Emergency Services (NDDDES) management requirements for implementation of a successful application.

Overview

The Fiscal Year 2010 (SHSP) is intended to help strengthen the nation against risks associated with potential **terrorist attacks**.

The SHSP supports the implementation of the North Dakota State Homeland Security Strategy which identifies planning, equipment, training, and exercise needs to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events. In addition, SHSP supports the implementation of the *National Preparedness Guidelines*, the National Incident Management System (NIMS), and the *National Response Framework* (NRF).

The *National Preparedness Guidelines* include a vision, capabilities, and priorities. The vision is: *A NATION PREPARED with coordinated capabilities to prevent, protect against, respond to, and recover from all hazards in way that balances risk with resources and need*. The capabilities are defined in the *Target Capabilities List* which can be found at <https://www.rkb.us/hspd8.cfm>. The priorities are discussed below.

The SHSP is a core assistance program that provides funds to build capabilities at State, local, and tribal levels and to implement the goals and objectives included in North Dakota's homeland security strategy.

Activities implemented under SHSP must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, response to, and recovery from **terrorism** in order to be considered eligible. However, many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. *Applicants must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness.*

National Priorities

DHS has identified eight National Priorities which NDDDES has incorporated into the State Homeland Security Strategy. These National Priorities are instrumental to meeting the Nation's most urgent needs. The eight National Priorities include the following:

- **Expand Regional Collaboration**
Regional collaboration is critical to improving and achieving the tenets set for the *National Preparedness Guidelines*. Major events often have regional impact; therefore, prevention, protection, response, and recovery missions require extensive regional collaboration. The intent is to identify geographic regions that work best for achieving and sustaining coordinated capabilities and mutual aid agreements, including mass evacuation and pre-event recovery planning. DHS places a very high priority on ensuring

that all SHSP applications reflect robust regional coordination and demonstrate an investment strategy that institutionalizes regional integration.

- Implement the National Incident Management System and *National Response Framework*

The National Incident Management System (NIMS) provides a consistent framework for government entities at all levels to work together to manage domestic incidents, regardless of cause, size, or complexity. The NIMS includes a core set of guidelines, standards, and protocols for command and management, preparedness, resource management, communications and information management, supporting technologies, and coordination and maintenance to promote interoperability and compatibility among Federal, State, local, tribal, and territorial capabilities.

The *National Response Framework* (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies – from the smallest incident to the largest catastrophe. The NRF establishes a comprehensive, national, all-hazards approach to domestic incident response.

- Implement the *National Infrastructure Protection Plan*

The *National Infrastructure Protection Plan* (NIPP) supports the coordinated development of critical infrastructure protection capabilities. Achieving this national priority requires meeting a series of objectives that include understanding and sharing information about terrorist threats and other hazards, building security partnerships, implementing a long-term risk management program, and maximizing the efficient use of resources.

- Strengthen Information Sharing and Collaboration Capabilities

Effective information sharing and collaboration refer to the multi-jurisdictional, multi-disciplinary exchange and dissemination of information and intelligence among entities at all levels of government, as well as non-governmental organizations, the private sector, and citizens. Intelligence is derived by gathering, analyzing, and fusing relevant information from a wide range of sources on a continual basis. Successful homeland security efforts require a national information management system that provides an effective and seamless capability to gather, analyze, disseminate, and use information regarding threats, vulnerabilities, and consequences to support prevention and response efforts.

- Strengthen Interoperable and Operable Communications Capabilities

Communications interoperability is the ability of public safety agencies (including police, fire, emergency medical services, etc.) and service agencies (including public works, transportation, hospitals, etc.) to talk within and across agencies and jurisdictions via radio and associated communications systems; exchange voice, data, and/or video with one another on demand; and do so in real time, when needed, and when authorized.

- Strengthen CBRNE Detection, Response, and Decontamination Capabilities

This national priority leverages efforts throughout government to develop capabilities to detect, neutralize, contain, dismantle, and dispose of Chemical, Biological, Radiological,

Nuclear, and Explosive (CBRNE) materials, and decontaminate exposed personnel and property.

- **Strengthen Medical Surge and Mass Prophylaxis Capabilities**
Medical Surge and Mass Prophylaxis capabilities are the first lines of response to bioterrorism, pandemic influenza, and other public health emergencies. The Medical Surge capability is prioritized because of the urgent need to enable our healthcare system, particularly hospitals, to handle large numbers of patients, including those with disabilities as well as children and pediatrics, requiring immediate hospitalization following any type of incident. The ability to triage and provide decontamination when necessary is essential. Emergency-ready hospitals and other healthcare entities must be able to work collectively to handle different types of injuries, including physical and psychological trauma, burns, infections, bone marrow suppression, or other chemical- or radiation-induced injuries. Finally, in anticipation of a mass casualty incident that exceeds the aggregate surge capacity of local hospitals, the community of medical providers should consider pre-positioning medical supplies and to have provisions in place to immediately accommodate an influx of supplemental healthcare assets from mutual-aid partners, States, and the Federal Government.
- **Community Preparedness: Strengthening Planning and Citizen Capabilities**
The Nation's homeland security system is highly complex, with multiple objectives, partners, and needs. Planning helps Federal, State, local, and tribal governments reorient capabilities and resources to be more agile and ensures organizational structures, processes, and procedures effectively support the intended strategic direction. As stakeholders learn and practice their roles, they can reduce uncertainty, expedite response, and improve effectiveness during the critical initial stages after an event. This effort is a key to success in protecting people and property in crises.

In order to develop robust and effective plans, sub-grantees are strongly encouraged to develop them in a manner consistent with the principles and doctrine outlined in *Comprehensive Guide 101(CPG-101), Producing Emergency Plans: A Guide for All-Hazard Operations Planning for State, Territorial, Local, and Tribal Governments*. A specific emphasis of this year's grant is on the preparedness of child congregate care systems, providers, and facilities, especially school districts and child/day care. Additional examples are group residential facilities operated by State and local child welfare authorities, and juvenile detention facilities.

As uniformed emergency responders constitute less than one percent of the total U.S. population, it is clear that citizens must be better prepared, trained, and practiced on how best to take care of themselves and assist others in those first, crucial hours during and after a catastrophic incident. Citizens can reduce the demand for emergency assistance during catastrophic incidents through preparedness measures and actively contribute to the Nation's response capability by participating in response and recovery activities. A trained and involved public will provide the Nation with a critical surge capacity to augment government efforts in a catastrophic incident.

These National Priorities and their inherent preparedness efforts complement the DHS four areas of mission-supporting responsibilities.

Period of Performance

The period of performance of this grant for successful applicants is 24 months.

Available Funding

In FY 2010, the total amount of funds distributed under the SHSP Competitive grant will be approximately \$1,290,560.00. At least \$360,192.00 of these funds are dedicated towards law enforcement terrorism prevention-oriented planning, training, organization, exercise, and equipment activities. Awards are limited to \$25,000 per applicant.

Eligibility Information

Eligible Applicants

Eligible applicants include local units of government and public safety and service agencies to include fire services, law enforcement, emergency medical services, public health, public works, public safety communications, emergency management, health care, hazardous materials, etc.

Non-governmental entities (hospitals, private emergency medical services, non-profit organizations, etc.) must apply through their respective city, county, or tribal local unit of government. The sponsoring local unit of government must sign as the fiscal authority.

National Incident Management System Implementation Compliance

In accordance with HSPD-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal preparedness assistance through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, non-governmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

All local (county) and tribal governments were required to update their respective NIMS Compliance Assistance Support Tool (NIMSCAST) assessments by September 30, 2009.

Compliance with this federal requirement is a condition of receiving federal preparedness funding assistance. Therefore, applications will not be accepted from those local and tribal governments, to include the agencies and disciplines within those counties and tribes that did not complete the NIMSCAST update. Contact Dave Rice at 701-358-8250 or at drice@nd.gov for information on the status of your county's or tribe's NIMSCAST.

Application and Submission Information

Application Package

Applications may be submitted by mail to ND Department of Emergency Services, Division of Homeland Security, Attn: Karen Hilfer, PO Box 5511, Bismarck, ND 58506-5511; by email to khilfer@nd.gov; or by fax to (701) 328-8181 Attn: Karen Hilfer. If submitting application by mail, allow sufficient time to ensure the application is received at NDDes by the deadline.

Applicants must use the application forms provided by NDDDES. The applications forms can be found at <http://www.nd.gov/des/homeland/grants/2009-grant-information/>.

Content of Application

The major sections of the application include:

- Project Description
- National Priorities and Target Capabilities
- Funding Plan
- Milestones

Submission Dates and Times

Completed applications must be submitted to NDDDES no later than **4:30 p.m. CDT, March 31, 2010**. Applications must be received at NDDDES by the deadline to be considered for funding (late applications will not be considered).

Funding Restrictions

SHSP grant funds must be used for the purpose set forth in the grant, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

Pre-award costs are not allowable.

No Management and Administration (M&A) funds may be used to support the FY 2010 SHSP Competitive program.

Allowable Costs

The following outlines allowable costs guidance applicable to the SHSP.

In addition to supporting the HSGP Priorities, projects must fall into the categories of planning, equipment, training, or exercises.

Planning Activities

Planning activities should focus on the four homeland security mission areas of prevention, protection, response, and recovery. All jurisdictions are encouraged to work through Citizen Corps Councils, nongovernmental entities (private sector, private nonprofits, faith-based, community, volunteer, and other nongovernmental organizations), and the general public in planning activities. Subgrantees are encouraged to use the *Comprehensive Preparedness Guide 101, Producing Emergency Plans: A Guide for All-Hazard Operations Planning for State, Territorial, Local and Tribal Governments* in order to develop robust and effective plans.

Equipment Activities

The 21 allowable prevention, protection, response, and recovery equipment categories and equipment standards for FY 2010 SHSP are listed on the web-based version of the Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB), at <https://www.rkb.us>. Unless

otherwise stated, equipment must meet all mandatory regulatory and/or DHS-adopted standards to be eligible for purchase using these funds. In addition, successful applicants will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.

Interoperable Communications Equipment (Category 6) must be P-25 compliant.

Training Activities

Allowable training topics include, but are not limited to, CBRNE terrorism, cyber/agriculture/food security, intelligence gathering and analysis, NIMS related training, citizen and community preparedness, interoperable and emergency communications, and training for volunteers, infants and children and individuals with disabilities in disasters, pediatric medical surge, and evacuation and sheltering with particular emphasis on children, keeping children with parents or guardians, addressing needs of unaccompanied minors, and integrating the accessibility and functional needs of children and adults with disabilities (see *Comprehensive Preparedness Guide 301* [CPG-301]: *Interim Emergency Management Planning Guide for Special Needs Populations* and other resources for additional information.

Training conducted using SHSP funds should address a performance gap identified through an After Action Report/Improvement Plan (AAR/IP) or contribute to building a capability that will be evaluated through an exercise. Exercises should be used to provide the opportunity to demonstrate and validate skills learned in training, as well as to identify training gaps. Any training or training gaps should be identified in the AAR/IP. All training and exercises conducted with SHSP funds should support the development and testing of the jurisdiction's EOP or specific annexes, where applicable.

Exercise Activities

Exercises conducted with FEMA support must be managed and executed in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP). HSEEP Guidance for exercise design, development, conduct, evaluation, and improvement planning is located at <https://hseep.dhs.gov>. The HSEEP Library provides sample exercise materials and templates.

All exercises using SHSP funding must be NIMS compliant. More information is available online at the NIMS Integration Center, <http://www.fema.gov/emergency/nims/index.shtm>.

DHS encourages exercises that test capabilities with regards to infants and children across all aspects of response and recovery, including pediatric medical surge capabilities and integrating the accessibility and functional needs of children and adults with disabilities.

Personnel Activities

Personnel hiring, overtime, and backfill expenses are permitted under this grant in order to perform FY 2010 SHSP planning, training, and exercise activities. A maximum of 50% of funds awarded to a subgrantee may be used for personnel and personnel-related activities as directed by the *personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412). Activities that are considered "personnel" and "personnel-related," and therefore count against the personnel cost cap of 50%, include, but are not limited to:

- Overtime/backfill to participate in approved training or exercise deliveries
- Overtime to participate in intelligence sharing activities
- Salaries and personnel costs of planners, exercise coordinators, and/or training coordinators.
- Contractor costs associated with performing the above activities

These activities are also subject to the funding and eligibility requirements detailed under the allowable cost categories.

FY 2010 SHSP funds may not be used to support the hiring of any personnel for the purposes of fulfilling traditional public health and safety duties or to supplant traditional public health and safety positions and responsibilities.

Construction and Renovation

Use of SHSP funds for construction is generally prohibited except as outlined below. Such construction shall be strictly limited and allowable only when it is a necessary component of a security system at critical infrastructure facilities.

The following types of project are considered to constitute construction or renovation.

- Construction and renovation of guard facilities which are intended to provide enhanced security at designated critical infrastructure sites
- Renovation of and modifications, including the installation of security and communication equipment, to buildings and structures that are 50 years old or older
- Any other construction or renovation efforts that change or expand the footprint of a facility or structure, including security enhancements to improve perimeter security
- Physical security enhancements including, but not limited to:
 - Lighting
 - Fencing
 - Closed-circuit television (CCTV) systems
 - Motion detection systems
 - Barriers, doors, gates, and related security enhancements

In addition, the erection of communications towers that are included in a jurisdiction's interoperable communications plans is allowable, subject to all applicable laws, regulations, and licensing provisions.

NDDES must submit projects that fall within this category to FEMA for compliance review under Federal environmental planning and historic preservation (EHP) laws and requirements. Therefore, applicants must provide the following information in the project description part of their application:

- A description of the asset or facility, asset location, whether the infrastructure is publicly or privately owned, and the construction or renovation project
- Certification that a facility vulnerability assessment has been conducted

- An outline addressing how the construction or renovation project will address the identified vulnerabilities from the assessment
- Consequences of not implementing the construction or renovation project
- Any additional information requested by NDDES to ensure compliance with Federal EHP requirements

For more information on EHP requirements, applicants should contact Karen Hilfer at 701-328-8254 or at khilfer@nd.gov.

Law Enforcement Terrorism Prevention-Oriented Allowable Costs

Allowable activities include, but are not limited to the following:

- Information sharing and analysis
- Target hardening
- Threat recognition
- Terrorist interdiction

Other Allowable Costs – Maintenance and Sustainment

The use of SHSP funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable, unless otherwise noted. Applicants are reminded to be sensitive to supplanting issues. Maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees previously purchased with non-federal funds cannot be replaced with Federal grant funding. Routine upkeep (e.g., gasoline, tire replacement, routine oil changes, monthly inspections, grounds, and facility maintenance, etc.) is the responsibility of the subgrantee and may not be funded with federal grant funding.

The use of grant funding for the purchase of maintenance contracts and warranties, repair and replacement costs, upgrades, and user fees must meet the following conditions:

- Maintenance contracts and warranties, repair and replacement parts, upgrades, and user fees may only be purchased/paid for equipment that has been purchased using FEMA preparedness grant funding.
- To avoid supplementing Congressional appropriations for specific programs, maintenance contracts and warranties, repair and replacement costs, upgrades, and user fees must be purchased/paid for using funds from the same grant program used to purchase the original equipment (i.e. if equipment was purchased with HSGP grant funds, the maintenance contract or warranty, repair and replacement parts, upgrades, and user fees must be purchased using HSGP grant funds).
- The term of the maintenance contract or warranty shall not exceed the period of performance of the grant to which the contract is being charged.
- The service time purchased shall not exceed the period of performance of the grant to which the user fee is being charged.

Planned or actual expenditures for maintenance contracts and warranties, repair and replacement costs, upgrades, and user fees must be reflected in the application.

If the maintenance and sustainment costs are for equipment purchased with previous HSGP funds, sufficient documentation must be provided to identify the original grant used to purchase the equipment.

Application Review Information

Review and Selection Process

SHSP Competitive applications will be evaluated through a State and local peer review process for completeness, adherence to programmatic guidelines, and anticipated effectiveness of the proposed projects.

Anticipated Announcement and Award Dates

Awards to successful applicants will be made within 45 days of receipt of funds by NDDDES from DHS. Award date depends on the date NDDDES receives approval from DHS. It is anticipated that NDDDES will receive approval from DHS on or before September 30, 2010.

Award Administration Information

Notice of Award

Within 45 days of NDDDES receiving the grant award from DHS, the successful applicants will receive a grant award. Upon receipt of the grant award, the authorized sub-grantee official should carefully read the award and special condition documents, sign the Notice of Grant Award and return it to NDDDES.

The period of performance is 24 months and begins on the Project Period/Budget Period start date listed in the award package. Any unexpended funds will be de-obligated at the end of the 24 months and opened up for a second round of competitive grants.

Administrative and National Policy Requirements

The sub-grantee must, in addition to the assurances made as part of the application, comply and require and contractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB circulars, terms and conditions of the award, and the approved application.

- 1. Standard Financial Requirements.** The sub-grantee shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

1.1 – Administrative Requirements.

- 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- 2 CFR Part 215, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* (formerly OMB Circular A-110)

1.2 – Cost Principles.

- 2 CFR Part 225, *Cost Principles for State, Local, and Indian tribal Governments* (formerly OMB Circular A-87)
- 2 CFR Part 220, *Cost Principles for Educational Institutions* (formerly OMB Circular A-21)
- 2 CFR Part 230, *Cost Principles for Non-Profit Organizations* (formerly OMB Circular A-122)
- Federal Acquisition Regulations (FAR), Part 31.2 *Contract Cost Principles and Procedures, Contracts with Commercial Organizations*

1.3 – Audit Requirements.

- OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*

1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and FAR Part 31.2.

2. Payment. NDDES used the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment for Recipients. To enroll in the DD/EFT, the Recipient must complete SFN 51620, ACH Authorization Form (Direct Deposit).

2.1 – Reimbursement Payment. Sub-grantees must submit a SFN 54169, Financial Reimbursement Request Detail, along with supporting documentation to receive payment. No advance payments will be made.

2.2 – Forms.

- The SFN 54169, Financial Reimbursement Request Detail, can be found on the Internet at: <http://www.nd.gov/des/homeland/grants/homeland-security-grant-program-forms/>.

3. Non-supplanting Requirement. Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Sub-grantees may be required to supply documentation certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

4. Technology Requirements.

4.1 – National Information Exchange Model (NIEM). FEMA requires all grant recipients to use the latest NIEM specifications and guidelines regarding the use of Extensible Markup Language (XML) for all grant awards. Further information about the required use of NIEM specifications and guidelines is available at <http://www.niem.gov>.

4.2 – Geospatial Guidance. Geospatial technologies capture, store, analyze, transmit, and/or display location-based information (i.e., information that can be linked to a latitude and longitude). FEMA encourages grantees to align any geospatial activities with the guidance available on the FEMA website at http://www.fema.gov/pdf/government/grant/2010/fy10_hsgp_geo.pdf.

4.3 – 28 CFR Part 23 Guidance. FEMA requires that any information technology system funded or supported by these funds comply with 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*, if this regulation is determined to be applicable.

5. Administrative Requirements.

5.1 – Compliance with Federal Civil Rights Laws and Regulations. The sub-grantee is required to comply with Federal civil rights laws and regulations. Specifically, the sub-grantee is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:

- *Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000 et. seq.* – Provides that no person on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with Limited English Proficiency (LEP). (42 U.S.C. §2000d et. seq.)
- *Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §1681 et. seq.* – Provides that no person, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.
- *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794* – Provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or subject to discrimination in any program or activity receiving Federal financial assistance.
- *The Age Discrimination Act of 1975, as amended, 20 U.S.C. §6101 et. seq.* – Provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

5.2 – Certifications and Assurances. Certifications and assurances regarding the following apply:

- *Lobbying. 31 U.S.C. §1352, Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions* – Prohibits the use of Federal funds in lobbying members and employees of Congress, as well as

employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. FEMA and DHS have codified restrictions upon lobbying at 44 CFR Part 18 and 6 CFR Part 9.

- *Drug-free Workplace Act, as amended, 41 U.S.C §701 et seq.* – Requires the recipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, places(s) where work is being performed under the award (i.e., street address, city, state, and zip code) must be maintained on file. The recipient must notify NDDDES of any employee convicted of a violation of a criminal drug statute that occurs in the workplace which will then be reported to the DHS Grants Officer. For additional information, see 44 CFR Part 17.
- *Debarment and Suspension* – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons that deal in an irresponsible manner with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 44 CFR part 17.
- *Federal Debt Status* – The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (OMB Circular A-129)
- *Hotel and Motel Fire Safety Act of 1990* – In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. §2225a*, the recipient agrees to ensure that all conferences, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974, 15 U.S.C. §2225*.

5.3 – Environmental Planning and Historic Preservation Compliance. FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA grant funding. FEMA, through its Environmental Planning and Historic Preservation (EHP) Program, engages in a review process to ensure that FEMA-funded activity comply with various Federal laws including: *National Environmental Policy Act; National Historic Preservation Act; Endangered Species Act; the Clean Water Act; and Executive Orders of Floodplains (11988), Wetlands (11990), and Environmental Justice (12898)*. The goal of these compliance requirements is to protect our nation’s water, air, coastal, wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to low-income and minority populations.

The sub-grantee shall provide to NDDDES all relevant information as required by FEMA GPD to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact natural or biological resources or historic

properties cannot be initiated until FEMA has completed the required EHP review. In addition to a detailed project description that describes what is to be done with the grant funds, how it will be done, and where it will be done, sub-grantees shall provide detailed information about the project (where applicable), including, but not limited to, the following:

- Project location (i.e., exact street address or map coordinates)
- Total extent of ground disturbance and vegetation clearing
- Extent of modification of existing structures
- Construction equipment to be used, staging areas, etc.
- Year that any affected buildings or structures were built
- Natural, biological, and/or cultural resources present within the project area and vicinity, including wetlands, floodplains, geologic resources, threatened or endangered species, or National Register of Historic Places listed or eligible properties, etc.
- Visual documentation such as good quality, color and labeled site and facility photographs, project plans, aerial photos, maps, etc.
- Alternative ways considered to implement the project (not applicable to procurement of mobile and portable equipment)

For projects that have the potential to impact sensitive resources, FEMA must consult with other Federal and State agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for the protection and/or management of natural and cultural resources, including Federal-recognized Indian tribes, Tribal Historic Preservation Offices, and the Department of the Interior, Bureau of Indian Affairs. For projects with the potential to have adverse effects on the environment and/or historic properties, FEMA's EHP review process and consultation may result in a substantive agreement between the involved parties outlining how the sub-grantee will avoid the effects, minimize the effects, or, if necessary, compensate for the effects. Sub-grantees who are proposing communication tower projects are encouraged to complete their Federal Communications Commission (FCC) EHP process prior to preparing their EHP review materials for FEMA GPD, and to include their FCC EHP materials with their submission to NDDES for submission to GPD. Completing the FCC process first and submitting all relevant EHP documentation will help expedite FEMA's review.

Because of the potential for adverse effects to EHP resources or public controversy, some projects may require an additional assessment or report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation, or other document, as well as a public comment period. Sub-grantees are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review that are necessary to address potential adverse impacts. Failure of the sub-grantee to meet Federal, territorial, State, local and tribal EHP requirements, obtain required permits, and comply with any conditions that may be

placed to the project as the result of FEMA's EHP review may jeopardize Federal funding.

Recipients shall not undertake any project without the prior approval of FEMA GPD, and must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project description will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify NDDDES and the appropriate State Historic Preservation Office. NDDDES will notify FEMA GPD. Any projects that have been initiated prior to approval will result in non-compliance finding and will not be eligible for funding.

5.4 Royalty-free License. Applicants are advised that FEMA reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which an award recipient or sub-recipient purchases ownership with Federal support. Award recipients must agree to consult with FEMA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

5.5 FEMA GPD Publications Statement. Applicants are advised that all publications created with funding under any grant award shall prominently contain the following statement: "This document was prepared under a grant from the Federal Emergency Management Agency's Grant Programs Directorate (FEMA/GPD) within the U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA/GPD or the U.S. Department of Homeland Security."

5.6 Equipment Marking. Awardees may consider marking equipment in the following manner, "Purchased with funds provided by the U.S. Department of Homeland Security," in order to facilitate their own audit processes, as well as State and Federal audits and monitoring visits, which may result from receiving Federal funding. Equipment maintenance requirements are outlined in 44 CFR Part 13.32.

5.7 National Preparedness Reporting Compliance. The *Government Performance and Results Act of 1993* (Public Law 103-62) requires that DHS collect and report performance information on all programs. NDDDES has developed tools and processes to support this requirement. FEMA anticipates using this information to inform future-year grant program funding decisions. Award recipients must agree to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within their grant agreement. This includes any assessments, audits, or investigations conducted by DHS, the Office of the Inspector General, the Government Accountability Office (GAO), or NDDDES.

Reporting Requirements

Reporting requirements must be met throughout the life of the grant. Any reports or documents prepared as a result of this grant shall be in compliance with Federal “plain English” policies, directives, etc. Please note that if reporting requirements are not met on a timely basis, NDDes will prevent access to funds.

- 1. Quarterly Progress Report.** Following an award, the awardees will be responsible for providing updated activity information on a quarterly basis. The sub-grantee is responsible for completing and submitting the quarterly progress reports.

The quarterly progress report is due within 15 days after the end of the reporting period. Reporting periods and due dates:

- October 1 – December 31; *Due January 15*
- January 1 – March 31; *Due April 15*
- April 1 – June 30; *Due July 15*
- July 1 – September 30; *Due October 15*

Future awards and fund drawdowns may be withheld if these reports are delinquent.

Quarterly Progress Report forms can be found at

<http://www.nd.gov/des/homeland/grants/homeland-security-grant-program-forms/>.

- 2. Exercise Evaluation and Improvement.** Exercises implemented with grant funds should be capabilities and performance-based and should evaluate performance of the targeted capabilities required to respond to the exercise scenario. Guidance related to exercise evaluation and the implementation of improvements is defined in the Homeland Security Exercise and Evaluation Program (HSEEP) located at <https://hsepp.dhs.gov>. Grant recipients must report on scheduled exercises and ensure that an After Action Report (AAR) and Improvement Plan (IP) are prepared for each exercise conducted with FEMA support (grant funds or direct support) and submitted to NDDes within 75 days following completion of the exercise.

The AAR documents the demonstrated performance of targeted capabilities and identifies recommendations for improvements. The IP outlines an exercising jurisdiction(s) plan to address the recommendations contained in the AAR. At a minimum, the IP must identify initial action items and be included in the final AAR. Guidance for the development of AARs and IPs is provided in the HSEEP manual.

- 3. Financial Compliance Audit Report.** Recipients that expended \$500,000 or more in Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO’s, *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and the *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. In addition, the Secretary of

Homeland Security and Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2010 HSGP assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The sub-grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

- 4. Monitoring.** Grant recipients will be monitored periodically by NDDES staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, document/records retention, and other related program criteria are being met.
- 5. Grant Close-Out Process.** Within 30 days after the end of the period of performance, sub-grantees must submit a final reimbursement request. Requests made after this deadline will not be allowed. Following final reimbursement, NDDES will issue a close-out notice. The notice will indicate the project is closed, list any remaining funds that will be de-obligated, and address the requirement of maintaining the grant records.

NDDES Contacts

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Allowable Planning, Training, and Exercise Examples Specific to Law Enforcement Terrorism Prevention-oriented Activities

Planning Activity Examples

- Developing mass evacuation plans
- Conducting point vulnerability analyses and assessments
- Soft target security planning
- Developing border security operations plans in coordination with CBP
- Updating and refining threat matrices

Training Activity Examples

Law enforcement terrorism protection-oriented funds may be used for a range of law enforcement terrorism prevention related training activities to enhance the capabilities of local personnel. Allowable costs including training courses that focus on:

- Building information sharing capabilities (especially among law enforcement, non-law enforcement, other government agencies, and the private sector)
- Methods of target hardening
- Facility law enforcement security personnel
- CBRNE, agricultural, and cyber threats
- History of terrorism and social environments contributing to threats
- Surveillance and counter-surveillance techniques
- Privacy, civil rights, and civil liberties regulations, policies, procedures, and protocols.
- Critical Infrastructure Protection training, to include identifying/assessing critical infrastructure assets, vulnerabilities, and threats
- Cyber/agriculture/food security threats recognition and protective measures training
- Cultural awareness training for community engagement activities and undercover operations related to terrorist organizations
- Joint training with other homeland security entities (e.g., U.S. Secret Service, CBP)
- Using interoperable communications equipment
- Collection, analysis, mapping, integration, and dissemination of geospatial data and imagery
- Geospatial database use, design, development, and management training

Exercise Activity Examples

Law enforcement terrorism prevention protection-oriented funds may be used to design, develop, conduct, and evaluate terrorism prevention-related exercises, including the following:

- Exercises to evaluate the effectiveness of information sharing plans, policies, procedures, and protocols
- Exercises to evaluate NIMS implementation
- Exercises to evaluate facility security protection
- Exercises to evaluate threat recognition capabilities
- Exercises to evaluate cyber security capabilities
- Exercises to evaluate agricultural/food security capabilities

- Exercises to evaluate prevention readiness and techniques
- “Red Team” (force to force) exercises
- Interoperable communications exercises
- Critical Infrastructure vulnerability, protection, and/or attack exercises

Where practical, these exercises should involve the public sector, non-governmental partners, trained citizen volunteers, and the general public. Local governments should work with their Citizen Corps Councils to include volunteers from the Citizen Corps programs.